

2024 Regular Session

HOUSE BILL NO. 121

BY REPRESENTATIVES CREWS, AMEDEE, EDMONSTON, FIRMENT,  
MCCORMICK, AND SCHAMERHORN AND SENATORS ABRAHAM, BASS,  
CLOUD, EDMONDS, HODGES, MIGUEZ, SEABAUGH, AND STINE

1 AN ACT

2 To enact R.S. 17:2122 and 3996(B)(82), relative to education; to provide with respect to the  
3 use of certain names and pronouns for students and employees; to prohibit public  
4 school governing authorities from adopting certain policies; to provide with respect  
5 to school employees; to provide with respect to students; to provide for remedies and  
6 corrective actions; to require each public school governing authority to adopt  
7 policies; to provide for civil liability; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. This Act shall be known and may be cited as the "Given Name Act".

10 Section 2.(A) The legislature finds that:

11 (1) The Fourteenth Amendment of the Constitution of the United States of  
12 America protects the right of parents to direct the care, upbringing, education, and  
13 welfare of their children.

14 (2) The United States Supreme Court has held that: "[T]he Due Process  
15 Clause does not permit a State to infringe on the fundamental right of parents to  
16 make child rearing decisions simply because a state judge believes a 'better' decision  
17 could be made". *Troxel v. Granville*, 530 U.S. 57, at 72-73 (plurality op.).

18 (3) The United States Supreme Court has explained that the liberty specially  
19 protected by the Due Process Clause of the Fourteenth Amendment of the  
20 Constitution of the United States of America includes the right "to direct the  
21 education and upbringing of one's children". *Washington v. Glucksberg*, 521 U.S.  
22 702, 720 (1997).

1 (4) In *Garcetti v. Ceballos*, 547 U.S. 410 (2006), the United States Supreme  
 2 Court has held that public employees do not retain First Amendment protection for  
 3 speech uttered in the context of their official duties as they are not speaking as public  
 4 citizens.

5 (5) Individuals under the age of eighteen are minors, and the courts have  
 6 recognized their immaturity and the unique nature of the public school setting.

7 (6) However, the United States Supreme Court has also recognized "it can  
 8 hardly be argued that either students or teachers shed their constitutional rights to  
 9 freedom of speech of expression at the schoolhouse gate. This has been the  
 10 unmistakable holding of this Court for almost 50 years." *Tinker v. Des Moines*  
 11 *Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969).

12 (7) And under the First Amendment, "the government may not compel a  
 13 person to speak its own preferred messages. Nor does it matter whether the  
 14 government seeks to compel a person to speak its message when he would prefer to  
 15 remain silent or to force an individual to include other ideas with his own speech that  
 16 he would prefer not to include." *303 Creative LLC v. Elenis*, 600 U.S. 570, 586  
 17 (2023).

18 (B) It is the intent of the legislature that the public education system uphold  
 19 the constitutional and long-recognized rights of parents, students, and teachers within  
 20 the context of public education.

21 Section 3. R.S. 17:2122 and 3996(B)(82) are hereby enacted to read as follows:

22 §2122. Pronouns and names; biological sex; parental permission; policies

23 A. As used in this Section, the following terms have the following meanings:

24 (1) "Employee" means any individual working in any capacity at a public  
 25 school including but not limited to teachers and other school employees, school bus  
 26 operators, extracurricular personnel, and independent contractors.

27 (2) "Legal name" means a person's name as may be evidenced on his  
 28 original birth certificate issued at or near the time of birth.

29 (3) "Parent" means a student's parent or legal guardian.

1           (4) "Sex" means a person's immutable biological sex, either female or male,  
2           as may be evidenced on his original birth certificate issued at or near the time of  
3           birth.

4           (a) "Female" means an individual whose biological reproductive system is  
5           developed to produce ova and who has, had, will have, or would have, but for a  
6           developmental or genetic anomaly or historical accident, the reproductive system  
7           that at some point produces, transports, and utilizes eggs for fertilization.

8           (b) "Male" means an individual whose biological reproductive system is  
9           developed to fertilize the ova of a female who has had, will have, or would have, but  
10          for a developmental or genetic anomaly or historical accident, the reproductive  
11          system that at some point produces, transports, and utilizes sperm for fertilization.

12          (5) "Student" means a person enrolled at a public school on a full-time or  
13          part-time basis.

14          B.(1) A public school governing authority shall not adopt a policy that  
15          provides for an inquiry of an employee's pronouns that is inconsistent with the  
16          employee's sex or provides for an inquiry of an employee's name other than the  
17          employee's legal name, or a derivative thereof.

18          (2) A public school governing authority shall not adopt a policy that  
19          provides for an inquiry of a student's pronouns that is inconsistent with the student's  
20          sex or provides for an inquiry of a student's name other than the person's legal name,  
21          or a derivative thereof.

22          C.(1)(a) An employee shall not be required to address a student by a name  
23          other than the student's legal name, or a derivative thereof, and the employee shall  
24          not be required to use a pronoun that is inconsistent with the student's sex.

25          (b) An employee shall not be subject to adverse employment action for  
26          declining or refusing to do any of the following:

27                  (i) Address a person using a name other than the person's legal name, or a  
28                  derivative thereof, or by a pronoun that is inconsistent with the person's sex.

29                  (ii) Identify his own pronouns, in violation of Subsection B of this Section.



1           B. Notwithstanding any state law, rule, or regulation to the contrary and  
 2           except as may be otherwise specifically provided for in an approved charter, a  
 3           charter school established and operated in accordance with the provisions of this  
 4           Chapter and its approved charter and the school's officers and employees shall be  
 5           exempt from all statutory mandates or other statutory requirements that are  
 6           applicable to public schools and to public school officers and employees except for  
 7           the following laws otherwise applicable to public schools with the same grades:

8   \*       \*       \*

9                                   (82) Names and pronouns, R.S. 17:2122.

10                                       \*       \*       \*

11           Section 2. If any provision or item of this Act, or the application thereof, is held  
 12           invalid, such invalidity shall not affect other provisions, items, or applications of the Act  
 13           which can be given effect without the invalid provision, item, or application and to this end  
 14           the provisions of this Act are hereby declared severable.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_